



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: VACATION OF A 60-FOOT
STORM DRAIN EASEMENT**

DATE: 03-03-04

Approved

Date

Council District: 3

RECOMMENDATION

Conduct a public hearing and adopt a resolution to vacate a 60-foot wide Storm Drain Easement on the northwest corner of Almaden Avenue and Woz Way.

CEQA: Resolution Nos. 64273 & 68839 and addendum thereto, RH00-05-005.

BACKGROUND

BP Almaden Associates, also known as Boston Properties, has submitted an application for the vacation of a 60-foot wide Storm Drain Easement on the northwest corner of Almaden Avenue and Woz Way. This vacation is in conjunction with an adjoining Site Development proposal (File No. RH00-05-005).

On February 24, 2004, Council adopted a resolution, which declared the Council's intention to vacate this 60-foot wide Storm Drain Easement contingent upon the applicant's dedication of a replacement storm drain easement prior to the final vacation. The resolution also approved a map showing the subject Storm Drain Easement to be vacated, set a public hearing on March 23, 2004 at 1:30 p.m. and directed the Director of Public Works to post the site with a Notice of Vacation.

ANALYSIS

The Department of Public Works has reviewed the application and coordinated thoroughly with the Department of Transportation. The only public facility contained within the easement is a 30-inch diameter City storm drain pipe.

An agreement establishing a new 10-foot replacement easement has been executed by Boston Properties and the City Attorney's Office. Council previously authorized the City Manager to negotiate and execute an agreement for the replacement easement and its maintenance on December 17, 2002. However, the authorization assumes the 10-foot wide replacement storm drain easement on the Boston Properties site would be dedicated to the City on the project Parcel

Map. Instead, the property owner now proposes to dedicate the easement to the City by separate recorded instrument. On March 16, 2004, Council authorized the City Manager to negotiate and execute an agreement for the replacement easement by a separate recorded instrument process. The vacation of the 60-foot wide easement will not be recorded until all documents for the dedication of the replacement easement are complete and can be recorded concurrently with the vacation.

No new information regarding this vacation has been received since the February 24, 2004 Council meeting.

PUBLIC OUTREACH

The public was afforded the opportunity to comment on proposed development during the planning process. In addition, on January 14, 2004, the Planning Commission considered and approved this vacation proposal and on February 24, 2004, Council adopted a resolution of intention to vacate the subject easement, which have given the public opportunities to provide inputs and comments.

COORDINATION

The required resolution has been reviewed by the City Attorney's Office. The vacation has been coordinated with the Departments of Transportation and Planning, Building and Code Enforcement. The Planning Commission has approved the vacation.

COST IMPLICATIONS

Permit fees for this vacation have been collected.

CEQA

Resolution Nos. 64273 & 68839 and addendum thereto, RH00-05-005.

KATY ALLEN
Director, Public Works Department